

JUL 31 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CONZORAN, CLERK  
BY:  DEPUTY CLERK

JEFFERY DEWAYNE WAYNICK,  
Petitioner,

v.

GENE JOHNSON,  
Respondent.

Civil Action No. 7:08-cv-00396

**FINAL ORDER**

By: Samuel G. Wilson  
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

**ORDERED and ADJUDGED**

that Waynick's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** and this case shall be **STRICKEN** from the active docket of the court.

Waynick is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 31<sup>st</sup> day of July, 2008.

  
\_\_\_\_\_  
United States District Judge